

1 AMENDMENT TO SENATE BILL 629

2 AMENDMENT NO. _____. Amend Senate Bill 629, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Humane Care for Animals Act is amended
6 by changing Sections 2.01a, 2.07, 4.01, 4.02, 4.03, 4.04, 10,
7 12, and 16 and by adding Sections 2.01b, 2.01c, 2.01d, 2.09,
8 2.10, 3.04, 3.05, 3.06, 16.1, 16.2, 16.3, and 16.4 as
9 follows:

10 (510 ILCS 70/2.01a)

11 Sec. 2.01a. Companion animal. "Companion animal" means
12 an animal that is commonly considered to be, or is considered
13 by the owner to be ~~to-be-used-as~~, a pet. "Companion animal"
14 includes, but is not limited to, canines, felines, and
15 equines.

16 (Source: P.A. 88-600, eff. 9-1-94.)

17 (510 ILCS 70/2.01b new)

18 Sec. 2.01b. Exigent circumstances. "Exigent
19 circumstances" means a licensed veterinarian cannot be
20 secured without undue delay and, in the opinion of the animal
21 control or humane agency, the animal is so severely injured,

1 diseased, or suffering that it is unfit for any useful
2 purpose and to delay humane euthanasia would continue to
3 cause the animal extreme suffering.

4 (510 ILCS 70/2.01c new)

5 Sec. 2.01c. Service animal. "Service animal" means an
6 animal trained in obedience and task skills to meet the needs
7 of a disabled person.

8 (510 ILCS 70/2.01d new)

9 Sec. 2.01d. Search and rescue dog. "Search and rescue
10 dog" means any dog that is trained or is certified to locate
11 persons lost on land or in water.

12 (510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

13 Sec. 2.07. Person. "Person" means any individual,
14 minor, firm, corporation, partnership, other business unit,
15 society, association, or other legal entity, any public or
16 private institution, the State of Illinois, or any municipal
17 corporation or political subdivision of the State.

18 (Source: P.A. 78-905.)

19 (510 ILCS 70/2.09 new)

20 Sec. 2.09. Humanely euthanized. "Humanely euthanized"
21 means the painless administration of a lethal dose of an
22 agent or method of euthanasia as prescribed in the Report of
23 the American Veterinary Medical Association Panel on
24 Euthanasia published in the Journal of the American
25 Veterinary Medical Association, March 1, 2001 (or any
26 successor version of that Report), that causes the painless
27 death of an animal. Animals must be handled prior to
28 administration of the agent or method of euthanasia in a
29 manner to avoid undue apprehension by the animal.

1 (510 ILCS 70/2.10 new)

2 Sec. 2.10. Companion animal hoarder. "Companion animal
3 hoarder" means a person who (i) possesses a large number of
4 companion animals; (ii) fails to or is unable to provide what
5 he or she is required to provide under Section 3 of this Act;
6 (iii) keeps the companion animals in a severely overcrowded
7 environment; and (iv) displays an inability to recognize or
8 understand the nature of or has a reckless disregard for the
9 conditions under which the companion animals are living and
10 the deleterious impact they have on the companion animals'
11 and owner's health and well-being.

12 (510 ILCS 70/3.04 new)

13 Sec. 3.04. Arrests and seizures.

14 (a) Any law enforcement officer making an arrest for an
15 offense involving one or more animals under Section 3.01,
16 3.02, or 3.03 of this Act may lawfully take possession of
17 some or all of the animals in the possession of the person
18 arrested. The officer, after taking possession of the
19 animals, must file with the court before whom the complaint
20 is made against any person so arrested an affidavit stating
21 the name of the person charged in the complaint, a
22 description of the condition of the animal or animals taken,
23 and the time and place the animal or animals were taken,
24 together with the name of the person from whom the animal or
25 animals were taken and name of the person who claims to own
26 the animal or animal if different from the person from whom
27 the animal or animals were seized. He or she must at the same
28 time deliver an inventory of the animal or animals taken to
29 the court of competent jurisdiction. The officer must place
30 the animal or animals in the custody of an animal control or
31 humane agency and the agency must retain custody of the
32 animal or animals subject to an order of the court
33 adjudicating the charges on the merits and before which the

1 person complained against is required to appear for trial.
2 The State's Attorney may, within 14 days after the seizure,
3 file a "petition for forfeiture prior to trial" before the
4 court having criminal jurisdiction over the alleged charges,
5 asking for permanent forfeiture of the companion animals
6 seized. The petition shall be filed with the court, with
7 copies served on the impounding agency, the owner, and anyone
8 claiming an interest in the animals. In a "petition for
9 forfeiture prior to trial", the burden is on the prosecution
10 to prove by a preponderance of the evidence that the person
11 arrested violated Section 3.01, 3.02, 3.03, or 4.01.

12 (b) An owner whose animal or animals are removed by a
13 law enforcement officer under this Section must be given
14 written notice of the circumstances of the removal and of any
15 legal remedies available to him or her. The notice must be
16 posted at the place of seizure, or delivered to a person
17 residing at the place of seizure or, if the address of the
18 owner is different from the address of the person from whom
19 the animal or animals were seized, delivered by registered
20 mail to his or her last known address.

21 (510 ILCS 70/3.05 new)

22 Sec. 3.05. Security for companion animals and animals
23 used for fighting purposes.

24 (a) In the case of companion animals as defined in
25 Section 2.01a or animals used for fighting purposes pursuant
26 to Section 4.01, the animal control or humane agency having
27 custody of the animal or animals may file a petition with the
28 court requesting that the person from whom the animal or
29 animals are seized, or the owner of the animal or animals, be
30 ordered to post security. The security must be in an amount
31 sufficient to secure payment of all reasonable expenses
32 expected to be incurred by the animal control or humane
33 agency in caring for and providing for the animal or animals

1 pending the disposition of the charges. Reasonable expenses
2 include, but are not limited to, estimated medical care and
3 boarding of the animal or animals for 30 days. The amount of
4 the security shall be determined by the court after taking
5 into consideration all of the facts and circumstances of the
6 case, including, but not limited to, the recommendation of
7 the impounding organization having custody and care of the
8 seized animal or animals and the cost of caring for the
9 animal or animals. If security has been posted in accordance
10 with this Section, the animal control or humane agency may
11 draw from the security the actual costs incurred by the
12 agency in caring for the seized animal or animals.

13 (b) Upon receipt of a petition, the court must set a
14 hearing on the petition, to be conducted within 5 business
15 days after the petition is filed. The petitioner must serve
16 a true copy of the petition upon the defendant and the
17 State's Attorney for the county in which the animal or
18 animals were seized. The petitioner must also serve a true
19 copy of the petition on any interested person. For the
20 purposes of this subsection, "interested person" means an
21 individual, partnership, firm, joint stock company,
22 corporation, association, trust, estate, or other legal
23 entity that the court determines may have a pecuniary
24 interest in the animal or animals that are the subject of the
25 petition. The court must set a hearing date to determine any
26 interested parties. The court may waive for good cause shown
27 the posting of security.

28 (c) If the court orders the posting of security, the
29 security must be posted with the clerk of the court within 5
30 business days after the hearing. If the person ordered to
31 post security does not do so, the animal or animals are
32 forfeited by operation of law and the animal control or
33 humane agency having control of the animal or animals must
34 dispose of the animal or animals through adoption or must

1 humanely euthanize the animal. In no event may the defendant
2 or any person residing in the defendant's household adopt the
3 animal or animals.

4 (d) The impounding organization may file a petition with
5 the court upon the expiration of the 30-day period requesting
6 the posting of additional security. The court may order the
7 person from whom the animal or animals were seized, or the
8 owner of the animal or animals, to post additional security
9 with the clerk of the court to secure payment of reasonable
10 expenses for an additional period of time pending a
11 determination by the court of the charges against the person
12 from whom the animal or animals were seized.

13 (e) In no event may the security prevent the impounding
14 organization having custody and care of the animal or animals
15 from disposing of the animal or animals before the expiration
16 of the 30-day period covered by the security if the court
17 makes a determination of the charges against the person from
18 whom the animal or animals were seized. Upon the adjudication
19 of the charges, the person who posted the security is
20 entitled to a refund of the security, in whole or in part,
21 for any expenses not incurred by the impounding organization.

22 (f) Notwithstanding any other provision of this Section
23 to the contrary, the court may order a person charged with
24 any violation of this Act to provide necessary food, water,
25 shelter, and care for any animal or animals that are the
26 basis of the charge without the removal of the animal or
27 animals from their existing location and until the charges
28 against the person are adjudicated. Until a final
29 determination of the charges is made, any law enforcement
30 officer, animal control officer, Department investigator, or
31 an approved humane investigator may be authorized by an order
32 of the court to make regular visits to the place where the
33 animal or animals are being kept to ascertain if the animal
34 or animals are receiving necessary food, water, shelter, and

1 care. Nothing in this Section prevents any law enforcement
2 officer, Department investigator, or approved humane
3 investigator from applying for a warrant under this Section
4 to seize any animal or animals being held by the person
5 charged pending the adjudication of the charges if it is
6 determined that the animal or animals are not receiving the
7 necessary food, water, shelter, or care.

8 (g) Nothing in this Act shall be construed to prevent
9 the voluntary, permanent relinquishment of any animal by its
10 owner to an animal control or humane agency in lieu of
11 posting security or proceeding to a forfeiture hearing.
12 Voluntary relinquishment shall have no effect on the criminal
13 charges that may be pursued by the appropriate authorities.

14 (h) If an owner of a companion animal is acquitted by
15 the court of charges made pursuant to this Act, the court
16 shall further order that any security that has been posted
17 for the animal shall be returned to the owner by the
18 impounding organization.

19 (510 ILCS 70/3.06 new)

20 Sec. 3.06. Disposition of seized animals.

21 (a) Upon the conviction of the person charged, all
22 animals seized, if not previously ordered forfeited or
23 previously forfeited by operation of law, are forfeited to
24 the facility impounding the animals and must be humanely
25 euthanized or adopted. Any outstanding costs incurred by the
26 impounding facility for boarding and treating the animals
27 pending the disposition of the case and any costs incurred in
28 disposing of the animals must be borne by the person
29 convicted.

30 (b) Any person authorized by this Section to care for an
31 animal or animals, to treat an animal or animals, or to
32 attempt to restore an animal or animals to good health and
33 who is acting in good faith is immune from any civil or

1 criminal liability that may result from his or her actions.

2 (c) Any veterinarian in this State who observes or is
3 presented with an animal or animals for the treatment of
4 aggravated cruelty under Section 3.02 or torture under
5 Section 3.03 of this Act must file a report with the
6 Department and cooperate with the Department by furnishing
7 the owner's name, the date of receipt of the animal or
8 animals and any treatment administered, and a description of
9 the animal or animals involved, including a microchip number
10 if applicable. Any veterinarian who in good faith makes a
11 report, as required by this subsection, has immunity from any
12 liability, civil, criminal, or otherwise, that may result
13 from his or her actions. For the purposes of any
14 proceedings, civil or criminal, the good faith of the
15 veterinarian shall be presumed.

16 An animal control or humane agency may humanely euthanize
17 severely injured, diseased, or suffering animals in exigent
18 circumstances.

19 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

20 Sec. 4.01. Prohibitions.

21 (a) No person may own, capture, breed, train, or lease
22 any animal which he or she knows or should know is intended
23 for use in any show, exhibition, program, or other activity
24 featuring or otherwise involving a fight between such animal
25 and any other animal or human, or the intentional killing of
26 any animal for the purpose of sport, wagering, or
27 entertainment.

28 (b) No person shall promote, conduct, carry on,
29 advertise, collect money for or in any other manner assist
30 or aid in the presentation for purposes of sport, wagering,
31 or entertainment, any show, exhibition, program, or other
32 activity involving a fight between 2 or more animals or any
33 animal and human, or the intentional killing of any animal.

1 (c) No person shall sell or offer for sale, ship,
2 transport, or otherwise move, or deliver or receive any
3 animal which he or she knows or should know has been
4 captured, bred, or trained, or will be used, to fight another
5 animal or human or be intentionally killed, for the purpose
6 of sport, wagering, or entertainment.

7 (d) No person shall manufacture for sale, shipment,
8 transportation or delivery any device or equipment which that
9 person knows or should know is intended for use in any show,
10 exhibition, program, or other activity featuring or otherwise
11 involving a fight between 2 or more animals, or any human and
12 animal, or the intentional killing of any animal for purposes
13 of sport, wagering or entertainment.

14 (e) No person shall own, possess, sell or offer for
15 sale, ship, transport, or otherwise move any equipment or
16 device which such person knows or should know is intended for
17 use in connection with any show, exhibition, program, or
18 activity featuring or otherwise involving a fight between 2
19 or more animals, or any animal and human, or the intentional
20 killing of any animal for purposes of sport, wagering or
21 entertainment.

22 (f) No person shall make available any site, structure,
23 or facility, whether enclosed or not, which he or she knows
24 or should know is intended to be used for the purpose of
25 conducting any show, exhibition, program, or other activity
26 involving a fight between 2 or more animals, or any animal
27 and human, or the intentional killing of any animal.

28 (g) No person shall attend or otherwise patronize any
29 show, exhibition, program, or other activity featuring or
30 otherwise involving a fight between 2 or more animals, or any
31 animal and human, or the intentional killing of any animal
32 for the purposes of sport, wagering or entertainment.

33 (h) No person shall tie or attach or fasten any live
34 animal to any machine or device propelled by any power for

1 the purpose of causing such animal to be pursued by a dog or
2 dogs. This subsection (h) shall apply only when such dog is
3 intended to be used in a dog fight.

4 (i) Any animals or equipment involved in a violation of
5 this Section shall be immediately seized and impounded under
6 Section 12 by the Department when located at any show,
7 exhibition, program, or other activity featuring or otherwise
8 involving an animal fight.

9 (j) Any vehicle or conveyance other than a common
10 carrier that is used in violation of this Section shall be
11 seized, held, and offered for sale at public auction by the
12 sheriff's department of the proper jurisdiction, and the
13 proceeds from the sale shall be remitted to the general fund
14 of the county where the violation took place.

15 (k) Any veterinarian in this State who is presented with
16 an animal for treatment of injuries or wounds resulting from
17 fighting where there is a reasonable possibility that the
18 animal was engaged in or utilized for a fighting event shall
19 file a report with the Department and cooperate by furnishing
20 the owners' names, dates, and descriptions of the animal or
21 animals involved. Any veterinarian who in good faith complies
22 with the requirements of this subsection has immunity from
23 any liability, civil, criminal, or otherwise, that may result
24 from his or her actions. For the purposes of any
25 proceedings, civil or criminal, the good faith of the
26 veterinarian shall be rebuttably presumed.

27 (l) No person shall conspire or solicit a minor to
28 violate this Section.

29 (Source: P.A. 87-819.)

30 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)
31 Sec. 4.02. Arrests; reports.

32 (a) Any law enforcement officer making an arrest for an
33 offense involving one or more dogs under Section 4.01 of this

1 Act shall lawfully take possession of all dogs and all
2 paraphernalia, implements, or other property or things used
3 or employed, or about to be employed, in the violation of any
4 of the provisions of Section 4.01 of this Act. When a law
5 enforcement officer has taken ~~Sueh--offieer,--after-taking~~
6 possession of such dogs, paraphernalia, implements or other
7 property or things, he or she shall file with the court
8 before whom the complaint is made against any person so
9 arrested an affidavit stating therein the name of the person
10 charged in the sueh complaint, a description of the property
11 so taken and the time and place of the taking thereof
12 together with the name of the person from whom the same was
13 taken and name of the person who claims to own such property,
14 if different from the person from whom the dogs were seized
15 and if known, and that the affiant has reason to believe and
16 does believe, stating the ground of the sueh belief, that the
17 dogs and property so taken were was used or employed, or were
18 was about to be used or employed, in a sueh violation of
19 Section 4.01 of this Act. He or she shall thereupon deliver
20 an inventory of the property so taken to the court of
21 competent jurisdiction. A law enforcement officer may
22 humanely euthanize dogs that are severely injured.

23 An owner whose dogs are removed for a violation of
24 Section 4.01 of this Act must be given written notice of the
25 circumstances of the removal and of any legal remedies
26 available to him or her. The notice must be posted at the
27 place of seizure or delivered to a person residing at the
28 place of seizure or, if the address of the owner is different
29 from the address of the person from whom the dogs were
30 seized, delivered by registered mail to his or her last known
31 address.

32 The animal control or humane agency having custody of the
33 dogs may file a petition with the court requesting that the
34 person from whom the dogs were seized or the owner of the

1 dogs be ordered to post security pursuant to Section 3.05 of
 2 this Act, which shall, by order, place the same in custody of
 3 an officer or other proper person named and designated in
 4 such order, to be kept by him until the conviction or final
 5 discharge of such person complained against, and shall send a
 6 copy of such order without delay to the State's attorney of
 7 the county and the Department. The officer or person so
 8 named and designated in such order shall immediately
 9 thereupon assume the custody of such property and shall
 10 retain the same, subject to the order of the court before
 11 which such person so complained against may be required to
 12 appear for trial.

13 Upon the conviction of the person so charged, all dogs
 14 and property so seized shall be adjudged by the court to be
 15 forfeited and shall thereupon be adopted or humanely
 16 ethanized. Any outstanding costs incurred by the impounding
 17 facility in boarding and treating the dogs pending the
 18 disposition of the case and disposing of the dogs upon a
 19 conviction must be borne by the person convicted be destroyed
 20 or otherwise disposed of as the court may order. In no event
 21 may the dogs be adopted by the defendant or anyone residing
 22 in his or her household. If the court finds that the State
 23 either failed to prove the criminal allegations or that the
 24 dogs were used in fighting, the court must direct the
 25 delivery of the dogs and the other property not previously
 26 forfeited to the owner of the dogs and property.

27 Any person authorized by this Section to care for a dog,
 28 to treat a dog, or to attempt to restore a dog to good health
 29 and who is acting in good faith is immune from any civil or
 30 criminal liability that may result from his or her actions.

31 An animal control or humane agency may humanely euthanize
 32 severely injured, diseased, or suffering dog in exigent
 33 circumstances In the event of the acquittal or final
 34 discharge without conviction of the person so charged such

1 court shall, on demand, direct the delivery of such property
2 so held in custody to the owner thereof.

3 (b) Any veterinarian in this State who is presented with
4 an animal for treatment of injuries or wounds resulting from
5 fighting where there is a reasonable possibility that the
6 animal was engaged in or utilized for a fighting event shall
7 file a report with the Department and cooperate by furnishing
8 the owners' names, date of receipt of the animal or animals
9 and treatment administered, dates and descriptions of the
10 animal or animals involved. Any veterinarian who in good
11 faith makes a report, as required by this subsection (b), is
12 immune shall have immunity from any liability, civil,
13 criminal, or that otherwise, resulting from his or her might
14 result by reason of such actions. For the purposes of any
15 proceedings, civil or criminal, the good faith of any such
16 veterinarian shall be presumed.

17 (Source: P.A. 84-723.)

18 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

19 Sec. 4.03. Teasing, striking or tampering with police
20 animals, service animals, or search and rescue dogs
21 prohibited. It shall be unlawful for any person to willfully
22 and maliciously taunt, torment, tease, beat, strike, or
23 administer or subject any desensitizing drugs, chemicals or
24 substance to (i) any animal used by a law enforcement officer
25 in the performance of his or her functions or duties, or when
26 placed in confinement off duty, (ii) any service animal,
27 (iii) any search and rescue dog, or (iv) any police, service,
28 or search and rescue animal in training. It is unlawful for
29 any person to or to interfere or meddle with (i) any such
30 animal used by a law enforcement department or agency or any
31 handler thereof in the performance of the functions or duties
32 of the department or agency, (ii) any service animal, (iii)
33 any search and rescue dog, or (iv) any law enforcement,

1 service, or search and rescue animal in training.

2 (Source: P.A. 90-80, eff. 7-10-97.)

3 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

4 Sec. 4.04. Injuring or killing police animals, service
5 animals, or search and rescue dogs prohibited. It shall be
6 unlawful for any person to willfully or maliciously torture,
7 mutilate, injure, disable, poison, or kill (i) any animal
8 used by a law enforcement department or agency in the
9 performance of the functions or duties of the department or
10 agency or when placed in confinement off duty, (ii) any
11 service animal, (iii) any search and rescue dog, or (iv) any
12 law enforcement, service, or search and rescue animal in
13 training. However, a police officer or veterinarian may
14 perform euthanasia in emergency situations when delay would
15 cause the animal undue suffering and pain.

16 (Source: P.A. 90-80, eff. 7-10-97; 91-357, eff. 7-29-99.)

17 (510 ILCS 70/10) (from Ch. 8, par. 710)

18 Sec. 10. Investigation of complaints.

19 (a) Upon receiving a complaint of a suspected violation
20 of this Act, a Department investigator, any law enforcement
21 official, or an approved humane investigator may, for the
22 purpose of investigating the allegations of the complaint,
23 enter during normal business hours upon any premises where
24 the animal or animals described in the complaint are housed
25 or kept, provided such entry shall not be made into any
26 building which is a person's residence, except by search
27 warrant or court order. Institutions operating under federal
28 license to conduct laboratory experimentation utilizing
29 animals for research or medical purposes are, however, exempt
30 from the provisions of this Section. State's Attorneys and
31 law enforcement officials shall provide such assistance as
32 may be required in the conduct of such investigations. Any

1 such investigation requiring legal procedures shall be
 2 immediately reported to the Department. No employee or
 3 representative of the Department shall enter a livestock
 4 management facility unless sanitized footwear is used, or
 5 unless the owner or operator of the facility waives this
 6 requirement. The employee or representative must also use
 7 any other reasonable disease prevention procedures or
 8 equipment provided by the owner or operator of the facility.
 9 The animal control administrator and animal control wardens
 10 appointed under the Animal Control Act shall be authorized to
 11 make investigations complying with this Section for alleged
 12 violations of Sections 3, and 3.01, 3.02, and 3.03 pertaining
 13 to--small--companion--animals.--If--impoundments--are-made-by
 14 wardens,-public-pounds-operated-by-a-political--entity--shall
 15 be--utilized. The animals impounded shall remain under the
 16 jurisdiction of the animal control administrator and be held
 17 in an animal shelter pound licensed under the Animal Welfare
 18 Act. All-litigation,-appeal,-and-disposition-of-the--animals
 19 so--held--will--remain-with-the-governmental-agency-operating
 20 the-facility.

21 (b) Any law enforcement official, animal control or
 22 humane agency, approved humane investigator, or veterinarian
 23 acting in good faith is immune from any civil or criminal
 24 liability resulting from his or her actions under this
 25 Section. The good faith on the part of the law enforcement
 26 official, approved humane investigator, animal control or
 27 humane agency, or veterinarian is presumed.

28 (Source: P.A. 87-157.)

29 (510 ILCS 70/12) (from Ch. 8, par. 712)
 30 Sec. 12. Impounding animals; notice of impoundment.

31 (a) When an approved humane investigator, a Department
 32 investigator or a veterinarian finds that a violation of this
 33 Act has rendered an animal in such a condition that no remedy

1 or corrective action by the owner is possible ~~or the violator~~
2 ~~fails or refuses to take corrective action necessary for~~
3 ~~compliance pursuant to Section 11 of this Act,~~ the Department
4 must ~~may~~ impound or order the impoundment of the animal. If
5 the violator fails or refuses to take corrective action
6 necessary for compliance with Section 11 of this Act, the
7 Department may impound the animal. If the animal is ordered
8 impounded, it shall be impounded in a facility or at another
9 location where ~~which will provide~~ the elements of good care
10 as set forth in Section 3 of this Act can be provided, and
11 where such animals shall be examined and treated by a
12 licensed veterinarian or, if the animal is severely injured,
13 diseased, or suffering, humanely euthanized. Any expense
14 incurred in the impoundment shall become a lien on the
15 animals.

16 (b) Emergency impoundment may be exercised in a
17 life-threatening situation and the subject animals shall be
18 conveyed directly to a licensed veterinarian for medical
19 services necessary to sustain life or to be humanely
20 euthanized as determined by the veterinarian. If such
21 emergency procedure is taken by an animal control officer,
22 the Department shall be notified.

23 (c) (b) A notice of impoundment shall be given by the
24 investigator to the violator, if known, in person or sent by
25 certified or registered mail. If the investigator is not
26 able to serve the violator in person or by registered or
27 certified mail, the notice may be given by publication in a
28 newspaper of general circulation in the county in which the
29 violator's last known address is located. A copy of the
30 notice shall be retained by the investigator and a copy
31 forwarded immediately to the Department. The notice of
32 impoundment shall include the following:

33 (1) A number assigned by the Department which will
34 also be given to the impounding facility accepting the

1 responsibility of the animal or animals.

2 (2) Listing of deficiencies noted.

3 (3) An accurate description of the animal or
4 animals involved.

5 (4) Date on which the animal or animals were
6 impounded.

7 (5) Signature of the investigator.

8 (6) A statement that: "The violator may request a
9 hearing to appeal the impoundment. A person desiring a
10 hearing shall contact the Department of Agriculture
11 within 7 days from the date of impoundment" and the
12 Department must ~~will~~ hold an administrative hearing
13 within 7 business days after receiving a request to
14 appeal the impoundment. If the hearing cannot be held
15 prior to the expiration of the 7-day impoundment period,
16 the Department shall notify the impounding facility that
17 it cannot sell, offer for adoption, or dispose of the
18 animal or animals until a final decision is rendered and
19 all of the appeal processes have expired.

20 If a hearing is requested by any owner of impounded
21 animals, the Hearing Officer shall, ~~have-the-authority~~ after
22 hearing the testimony of all interested affected parties, to
23 render a decision within 5 business days regarding ~~as-to~~ the
24 disposition of the impounded animals. This decision by the
25 Hearing Officer shall have no effect on the criminal charges
26 that may be filed with the appropriate authorities.

27 If an owner of a companion animal or animal used for
28 fighting purposes requests a hearing, the animal control or
29 humane agency having control of the animal or animals may
30 file a petition with the court in the county where the
31 impoundment took place requesting that the person from whom
32 the animal or animals were seized or the owner of the animal
33 or animals be ordered to post security pursuant to
34 subsections (a) and (b) of Section 3.05 of this Act.

1 If the court orders the posting of security, the security
 2 must be posted with the clerk of the court within 5 business
 3 days after the hearing. If the person ordered to post
 4 security does not do so, the court must order the Department
 5 of Agriculture to hold a hearing on the impoundment within 5
 6 business days. If the Department determines that it is not
 7 in the best interest of the animal or animals to be returned
 8 to the person from whom it was seized, the animal or animals
 9 are forfeited to the animal control or humane agency having
 10 control of the animal or animals. If no petition for the
 11 posting of security is filed or a petition was filed and
 12 granted but the person failed to post security, any expense
 13 incurred in the impoundment shall remain outstanding until
 14 satisfied by the owner or the person from whom the animal or
 15 animals were impounded.

16 ~~Any expense incurred in such impoundment becomes a lien~~
 17 ~~on the animal impounded and must be discharged before the~~
 18 ~~animal is released from the facility. When the impoundment is~~
 19 ~~not appealed, the animal or animals are forfeited and the~~
 20 ~~animal control or humane agency in charge of the animal or~~
 21 ~~animals may lawfully and without liability provide for~~
 22 ~~adoption of the animal or animals by a person other than the~~
 23 ~~person who forfeited the animal or animals, or any person or~~
 24 ~~persons dwelling in the same household as the person who~~
 25 ~~forfeited the animals or animals, or it may humanely~~
 26 ~~euthanize the animal or animals. the animal is not claimed by~~
 27 ~~its owner and all impoundment costs satisfied within 7 days,~~
 28 ~~it may be sold at public or private sale for fair~~
 29 ~~consideration to a person capable of providing care~~
 30 ~~consistent with this Act, with the proceeds of that sale~~
 31 ~~applied first to discharge the lien and any balance to be~~
 32 ~~paid over to the owner. If no purchaser is found, the animal~~
 33 ~~may be offered for adoption or disposed of in a manner not~~
 34 ~~inconsistent with this or any other Act.~~

1 (Source: P.A. 88-600, eff. 9-1-94.)

2 (510 ILCS 70/16) (from Ch. 8, par. 716)

3 Sec. 16. Violations; punishment; injunctions.

4 (a) Any person convicted of violating subsection (l) of
5 Section 4.01 or Sections 5, 5.01, or 6 of this Act or any
6 rule, regulation, or order of the Department pursuant
7 thereto, is guilty of a Class A misdemeanor. A second or
8 subsequent violation of Section 5, 5.01, or 6 is a Class 4
9 felony.

10 (b)(1) This subsection (b) does not apply where the
11 only animals involved in the violation are dogs.

12 (2) Any person convicted of violating subsection
13 (a), (b), (c) or (h) of Section 4.01 of this Act or any
14 rule, regulation, or order of the Department pursuant
15 thereto, is guilty of a Class A misdemeanor.

16 (3) A second or subsequent offense involving the
17 violation of subsection (a), (b) or (c) of Section 4.01
18 of this Act or any rule, regulation, or order of the
19 Department pursuant thereto is a Class 4 felony.

20 (4) Any person convicted of violating subsection
21 (d), (e) or (f) of Section 4.01 of this Act or any rule,
22 regulation, or order of the Department pursuant thereto,
23 is guilty of a Class A B misdemeanor. A second or
24 subsequent violation is a Class 4 felony.

25 (5) Any person convicted of violating subsection
26 (g) of Section 4.01 of this Act or any rule, regulation,
27 or order of the Department pursuant thereto is guilty of
28 a Class C misdemeanor.

29 (c)(1) This subsection (c) applies exclusively
30 where the only animals involved in the violation are
31 dogs.

32 (2) Any person convicted of violating subsection
33 (a), (b) or (c) of Section 4.01 of this Act or any rule,

1 regulation or order of the Department pursuant thereto is
2 guilty of a Class 4 felony and may be fined an amount not
3 to exceed \$50,000.

4 (3) Any person convicted of violating subsection
5 (d), (e) or (f) of Section 4.01 of this Act or any rule,
6 regulation or order of the Department pursuant thereto is
7 guilty of Class A misdemeanor, ~~if such person knew or~~
8 ~~should have known that the device or equipment under~~
9 ~~subsection (d) or (e) of that Section or the site,~~
10 ~~structure or facility under subsection (f) of that~~
11 ~~Section was to be used to carry out a violation where the~~
12 ~~only animals involved were dogs. Where such person did~~
13 ~~not know or should not reasonably have been expected to~~
14 ~~know that the only animals involved in the violation were~~
15 ~~dogs, the penalty shall be same as that provided for in~~
16 ~~paragraph (4) of subsection (b).~~

17 (4) Any person convicted of violating subsection
18 (g) of Section 4.01 of this Act or any rule, regulation
19 or order of the Department pursuant thereto is guilty of
20 a Class C misdemeanor.

21 (5) A second or subsequent violation of subsection
22 (a), (b) or (c) of Section 4.01 of this Act or any rule,
23 regulation or order of the Department pursuant thereto is
24 a Class 3 felony. A second or subsequent violation of
25 subsection (d), (e) or (f) of Section 4.01 of this Act or
26 any rule, regulation or order of the Department adopted
27 pursuant thereto is a Class 3 felony, if in each
28 violation the person knew or should have known that the
29 device or equipment under subsection (d) or (e) of that
30 Section or the site, structure or facility under
31 subsection (f) of that Section was to be used to carry
32 out a violation where the only animals involved were
33 dogs. Where such person did not know or should not
34 reasonably have been expected to know that the only

1 animals involved in the violation were dogs, a second or
 2 subsequent violation of subsection (d), (e) or (f) of
 3 Section 4.01 of this Act or any rule, regulation or order
 4 of the Department adopted pursuant thereto is a Class A
 5 misdemeanor. A second or subsequent violation of
 6 subsection (g) is a Class B misdemeanor.

7 (6) Any person convicted of violating Section 3.01
 8 of this Act is guilty of a Class A B misdemeanor. A
 9 second or subsequent conviction for a violation of
 10 Section 3.01 is a Class 4 felony B-misdemeanor.~~---A--third~~
 11 ~~er--subsequent-conviction-for-a-violation-of-Section-3.01~~
 12 ~~is-a-Class-A-misdemeanor.~~

13 (7) Any person convicted of violating Section 4.03
 14 is guilty of a Class A B misdemeanor. A second or
 15 subsequent violation is a Class 4 felony.

16 (8) Any person convicted of violating Section 4.04
 17 is guilty of a Class A misdemeanor where the animal is
 18 not killed or totally disabled, but if the animal is
 19 killed or totally disabled such person shall be guilty of
 20 a Class 4 felony.

21 (8.5) A person convicted of violating subsection
 22 (a) of Section 7.15 is guilty of a Class A B misdemeanor.
 23 A person convicted of violating subsection (b) or (c) of
 24 Section 7.15 is (i) guilty of a Class A misdemeanor if
 25 the dog is not killed or totally disabled and (ii) if the
 26 dog is killed or totally disabled, guilty of a Class 4
 27 felony and may be ordered by the court to make
 28 restitution to the disabled person having custody or
 29 ownership of the dog for veterinary bills and replacement
 30 costs of the dog. A second or subsequent violation is a
 31 Class 4 felony.

32 (9) Any person convicted of any other act of abuse
 33 or neglect or of violating any other provision of this
 34 Act, or any rule, regulation, or order of the Department

1 pursuant thereto, is guilty of a Class B E misdemeanor.
2 A second or subsequent violation is a Class 4 felony with
3 every day that a violation continues constituting a
4 separate offense.

5 (d) Any person convicted of violating Section 7.1 is
6 guilty of a Class C misdemeanor petty-offense. A second or
7 subsequent conviction for a violation of Section 7.1 is a
8 Class B E misdemeanor.

9 (e) Any person convicted of violating Section 3.02 is
10 guilty of a Class 4 felony ~~A--misdemeanor~~. A second or
11 subsequent violation is a Class 3 4 felony.

12 (f) The Department may enjoin a person from a continuing
13 violation of this Act.

14 (g) Any person convicted of violating Section 3.03 is
15 guilty of a Class 3 4 felony. ~~A-second-or-subsequent-offense~~
16 ~~is--a-Class-3-felony-~~ As a condition of the sentence imposed
17 under this Section, the court shall order the offender to
18 undergo a psychological or psychiatric evaluation and to
19 undergo treatment that the court determines to be appropriate
20 after due consideration of the evaluation.

21 (h) In addition to any other penalty provided by law,
22 upon a conviction for violating Sections 3, 3.01, 3.02, or
23 3.03 the court may order the convicted person to undergo a
24 psychological or psychiatric evaluation and to undergo any
25 treatment at the convicted person's expense that the court
26 determines to be appropriate after due consideration of the
27 evaluation. If the convicted person is a juvenile or a
28 companion animal hoarder, the court must order the convicted
29 person to undergo a psychological or psychiatric evaluation
30 and to undergo treatment that the court determines to be
31 appropriate after due consideration of the evaluation.

32 (i) In addition to any other penalty provided by law,
33 upon conviction for violating Sections 3, 3.01, 3.02, or 3.03
34 the court may order the convicted person to forfeit to an

1 animal control or humane agency the animal or animals that
2 are the basis of the conviction. Upon an order of
3 forfeiture, the convicted person is deemed to have
4 permanently relinquished all rights to the animal or animals
5 that are the basis of the conviction. The forfeited animal
6 or animals shall be adopted or humanely euthanized. In no
7 event may the convicted person or anyone residing in his or
8 her household be permitted to adopt the forfeited animal or
9 animals. The court, additionally, may order that the
10 convicted person and persons dwelling in the same household
11 as the convicted person who conspired, aided, or abetted in
12 the unlawful act that was the basis of the conviction, or who
13 knew or should have known of the unlawful act, may not own,
14 harbor, or have custody or control of any other animals for a
15 period of time that the court deems reasonable.

16 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
17 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
18 7-29-99; revised 8-30-99.)

19 (510 ILCS 70/16.1 new)

20 Sec. 16.1. Defenses. It is not a defense to violations
21 of this Act for the person committing the violation to assert
22 that he or she had rights of ownership in the animal that was
23 the victim of the violation.

24 (510 ILCS 70/16.2 new)

25 Sec. 16.2. Corporations. Corporations may be charged
26 with violations of this Act for the acts of their employees
27 or agents who violate this Act in the course of their
28 employment or agency.

29 (510 ILCS 70/16.3 new)

30 Sec. 16.3. Civil actions. Any person who has a right of
31 ownership in an animal that is subjected to an act of

1 aggravated cruelty under Section 3.02 or torture under
2 Section 3.03 in violation of this Act or in an animal that is
3 injured or killed as a result of actions taken by a person
4 who acts in bad faith under subsection (b) of Section 3.06 or
5 under Section 12 of this Act may bring a civil action to
6 recover the damages sustained by that owner. Damages may
7 include, but are not limited to, the monetary value of the
8 animal, veterinary expenses incurred on behalf of the animal,
9 any other expenses incurred by the owner in rectifying the
10 effects of the cruelty, pain, and suffering of the animal,
11 and emotional distress suffered by the owner. In addition to
12 damages that may be proven, the owner is also entitled to
13 punitive or exemplary damages of not less than \$500 but not
14 more than \$25,000 for each act of abuse or neglect to which
15 the animal was subjected. In addition, the court must award
16 reasonable attorney's fees and costs actually incurred by the
17 owner in the prosecution of any action under this Section.

18 The remedies provided in this Section are in addition to
19 any other remedies allowed by law.

20 In an action under this Section, the court may enter any
21 injunctive orders reasonably necessary to protect animals
22 from any further acts of abuse, neglect, or harassment by a
23 defendant. Trespass is not a defense to any action under
24 this Section.

25 The statute of limitations for cruelty to animals is 2
26 years.

27 (510 ILCS 70/16.4 new)

28 Sec. 16.4. Illinois Animal Abuse Fund. The Illinois
29 Animal Abuse Fund is created as a special fund in the State
30 treasury. Moneys in the Fund may be used, subject to
31 appropriation, by the Department of Agriculture to
32 investigate animal abuse and neglect under this Act.

1 Section 10. The Clerks of Courts Act is amended by
2 changing Sections 27.5 and 27.6 as follows:

3 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

4 Sec. 27.5. (a) All fees, fines, costs, additional
5 penalties, bail balances assessed or forfeited, and any other
6 amount paid by a person to the circuit clerk that equals an
7 amount less than \$55, except restitution under Section 5-5-6
8 of the Unified Code of Corrections, reimbursement for the
9 costs of an emergency response as provided under Section
10 5-5-3 of the Unified Code of Corrections, any fees collected
11 for attending a traffic safety program under paragraph (c) of
12 Supreme Court Rule 529, any fee collected on behalf of a
13 State's Attorney under Section 4-2002 of the Counties Code or
14 a sheriff under Section 4-5001 of the Counties Code, or any
15 cost imposed under Section 124A-5 of the Code of Criminal
16 Procedure of 1963, for convictions, orders of supervision, or
17 any other disposition for a violation of Chapters 3, 4, 6,
18 11, and 12 of the Illinois Vehicle Code, or a similar
19 provision of a local ordinance, and any violation of the
20 Child Passenger Protection Act, or a similar provision of a
21 local ordinance, and except as provided in subsection (b)
22 shall be disbursed within 60 days after receipt by the
23 circuit clerk as follows: 47% shall be disbursed to the
24 entity authorized by law to receive the fine imposed in the
25 case; 12% shall be disbursed to the State Treasurer; and 41%
26 shall be disbursed to the county's general corporate fund. Of
27 the 12% disbursed to the State Treasurer, 1/6 shall be
28 deposited by the State Treasurer into the Violent Crime
29 Victims Assistance Fund, 1/2 shall be deposited into the
30 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
31 be deposited into the Drivers Education Fund. For fiscal
32 years 1992 and 1993, amounts deposited into the Violent Crime
33 Victims Assistance Fund, the Traffic and Criminal Conviction

1 Surcharge Fund, or the Drivers Education Fund shall not
 2 exceed 110% of the amounts deposited into those funds in
 3 fiscal year 1991. Any amount that exceeds the 110% limit
 4 shall be distributed as follows: 50% shall be disbursed to
 5 the county's general corporate fund and 50% shall be
 6 disbursed to the entity authorized by law to receive the fine
 7 imposed in the case. Not later than March 1 of each year the
 8 circuit clerk shall submit a report of the amount of funds
 9 remitted to the State Treasurer under this Section during the
 10 preceding year based upon independent verification of fines
 11 and fees. All counties shall be subject to this Section,
 12 except that counties with a population under 2,000,000 may,
 13 by ordinance, elect not to be subject to this Section. For
 14 offenses subject to this Section, judges shall impose one
 15 total sum of money payable for violations. The circuit clerk
 16 may add on no additional amounts except for amounts that are
 17 required by Sections 27.3a and 27.3c of this Act, unless
 18 those amounts are specifically waived by the judge. With
 19 respect to money collected by the circuit clerk as a result
 20 of forfeiture of bail, ex parte judgment or guilty plea
 21 pursuant to Supreme Court Rule 529, the circuit clerk shall
 22 first deduct and pay amounts required by Sections 27.3a and
 23 27.3c of this Act. This Section is a denial and limitation of
 24 home rule powers and functions under subsection (h) of
 25 Section 6 of Article VII of the Illinois Constitution.

26 (b) The following amounts must be remitted to the State
 27 Treasurer for deposit into the Illinois Animal Abuse Fund:

28 (1) 50% of amounts collected for Class 4 felonies
 29 under subsection (a), paragraph (4) of subsection (b),
 30 and paragraphs (6), (7), (8.5), and (9) of subsection (c)
 31 of Section 16 of the Humane Care for Animals Act and
 32 Class 3 felonies under paragraph (5) of subsection (c) of
 33 Section 16 of that Act.

34 (2) 20% of amounts collected for Class A

1 misdemeanors under subsection (a), paragraph (4) of
 2 subsection (b), and paragraphs (6) and (7) of subsection
 3 (c) of Section 16 of the Humane Care for Animals Act and
 4 Class B misdemeanors under paragraph (9) of subsection
 5 (c) of Section 16 of that Act.

6 (3) 20% of amounts collected for Class B
 7 misdemeanors under subsection (d) of Section 16 of the
 8 Humane Care for Animals Act.

9 (4) 50% of amounts collected for Class C
 10 misdemeanors under subsection (d) of Section 16 of the
 11 Humane Care for Animals Act.

12 (Source: P.A. 89-234, eff. 1-1-96.)

13 (705 ILCS 105/27.6)

14 Sec. 27.6. (a) All fees, fines, costs, additional
 15 penalties, bail balances assessed or forfeited, and any other
 16 amount paid by a person to the circuit clerk equalling an
 17 amount of \$55 or more, except the additional fee required by
 18 subsections (b) and (c), restitution under Section 5-5-6 of
 19 the Unified Code of Corrections, reimbursement for the costs
 20 of an emergency response as provided under Section 5-5-3 of
 21 the Unified Code of Corrections, any fees collected for
 22 attending a traffic safety program under paragraph (c) of
 23 Supreme Court Rule 529, any fee collected on behalf of a
 24 State's Attorney under Section 4-2002 of the Counties Code or
 25 a sheriff under Section 4-5001 of the Counties Code, or any
 26 cost imposed under Section 124A-5 of the Code of Criminal
 27 Procedure of 1963, for convictions, orders of supervision, or
 28 any other disposition for a violation of Chapters 3, 4, 6,
 29 11, and 12 of the Illinois Vehicle Code, or a similar
 30 provision of a local ordinance, and any violation of the
 31 Child Passenger Protection Act, or a similar provision of a
 32 local ordinance, and except as provided in subsection (d)
 33 shall be disbursed within 60 days after receipt by the

1 circuit clerk as follows: 44.5% shall be disbursed to the
2 entity authorized by law to receive the fine imposed in the
3 case; 16.825% shall be disbursed to the State Treasurer; and
4 38.675% shall be disbursed to the county's general corporate
5 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
6 shall be deposited by the State Treasurer into the Violent
7 Crime Victims Assistance Fund, 5.052/17 shall be deposited
8 into the Traffic and Criminal Conviction Surcharge Fund, 3/17
9 shall be deposited into the Drivers Education Fund, and
10 6.948/17 shall be deposited into the Trauma Center Fund. Of
11 the 6.948/17 deposited into the Trauma Center Fund from the
12 16.825% disbursed to the State Treasurer, 50% shall be
13 disbursed to the Department of Public Health and 50% shall be
14 disbursed to the Department of Public Aid. For fiscal year
15 1993, amounts deposited into the Violent Crime Victims
16 Assistance Fund, the Traffic and Criminal Conviction
17 Surcharge Fund, or the Drivers Education Fund shall not
18 exceed 110% of the amounts deposited into those funds in
19 fiscal year 1991. Any amount that exceeds the 110% limit
20 shall be distributed as follows: 50% shall be disbursed to
21 the county's general corporate fund and 50% shall be
22 disbursed to the entity authorized by law to receive the fine
23 imposed in the case. Not later than March 1 of each year the
24 circuit clerk shall submit a report of the amount of funds
25 remitted to the State Treasurer under this Section during the
26 preceding year based upon independent verification of fines
27 and fees. All counties shall be subject to this Section,
28 except that counties with a population under 2,000,000 may,
29 by ordinance, elect not to be subject to this Section. For
30 offenses subject to this Section, judges shall impose one
31 total sum of money payable for violations. The circuit clerk
32 may add on no additional amounts except for amounts that are
33 required by Sections 27.3a and 27.3c of this Act, unless
34 those amounts are specifically waived by the judge. With

1 respect to money collected by the circuit clerk as a result
2 of forfeiture of bail, ex parte judgment or guilty plea
3 pursuant to Supreme Court Rule 529, the circuit clerk shall
4 first deduct and pay amounts required by Sections 27.3a and
5 27.3c of this Act. This Section is a denial and limitation of
6 home rule powers and functions under subsection (h) of
7 Section 6 of Article VII of the Illinois Constitution.

8 (b) In addition to any other fines and court costs
9 assessed by the courts, any person convicted or receiving an
10 order of supervision for driving under the influence of
11 alcohol or drugs shall pay an additional fee of \$25 to the
12 clerk of the circuit court. This amount, less 2 1/2% that
13 shall be used to defray administrative costs incurred by the
14 clerk, shall be remitted by the clerk to the Treasurer within
15 60 days after receipt for deposit into the Trauma Center
16 Fund. This additional fee of \$25 shall not be considered a
17 part of the fine for purposes of any reduction in the fine
18 for time served either before or after sentencing. Not later
19 than March 1 of each year the Circuit Clerk shall submit a
20 report of the amount of funds remitted to the State Treasurer
21 under this subsection during the preceding calendar year.

22 (c) In addition to any other fines and court costs
23 assessed by the courts, any person convicted for a violation
24 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of
25 1961 or a person sentenced for a violation of the Cannabis
26 Control Act or the Controlled Substance Act shall pay an
27 additional fee of \$100 to the clerk of the circuit court.
28 This amount, less 2 1/2% that shall be used to defray
29 administrative costs incurred by the clerk, shall be remitted
30 by the clerk to the Treasurer within 60 days after receipt
31 for deposit into the Trauma Center Fund. This additional fee
32 of \$100 shall not be considered a part of the fine for
33 purposes of any reduction in the fine for time served either
34 before or after sentencing. Not later than March 1 of each

1 year the Circuit Clerk shall submit a report of the amount of
2 funds remitted to the State Treasurer under this subsection
3 during the preceding calendar year.

4 (d) The following amounts must be remitted to the State
5 Treasurer for deposit into the Illinois Animal Abuse Fund:

6 (1) 50% of amounts collected for Class 4 felonies
7 under subsection (a), paragraph (4) of subsection (b),
8 and paragraphs (6), (7), (8.5), and (9) of subsection (c)
9 of Section 16 of the Humane Care for Animals Act and
10 Class 3 felonies under paragraph (5) of subsection (c) of
11 Section 16 of that Act.

12 (2) 20% of amounts collected for Class A
13 misdemeanors under subsection (a), paragraph (4) of
14 subsection (b), and paragraphs (6) and (7) of subsection
15 (c) of Section (16) of the Humane Care for Animals Act
16 and Class B misdemeanors under paragraph (9) of
17 subsection (c) of Section 16 of that Act.

18 (3) 20% of amounts collected for Class B
19 misdemeanors under subsection (d) of Section 16 of the
20 Humane Care for Animals Act.

21 (4) 50% of amounts collected for Class C
22 misdemeanors under subsection (d) of Section 16 of the
23 Humane Care for Animals Act.

24 (Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96;
25 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

26 Section 15. The Juvenile Court Act of 1987 is amended by
27 changing Sections 5-615, 5-710, and 5-715 as follows:

28 (705 ILCS 405/5-615)

29 Sec. 5-615. Continuance under supervision.

30 (1) The court may enter an order of continuance under
31 supervision for an offense other than first degree murder, a
32 Class X felony or a forcible felony (a) upon an admission or

1 stipulation by the appropriate respondent or minor respondent
2 of the facts supporting the petition and before proceeding to
3 adjudication, or after hearing the evidence at the trial, and
4 (b) in the absence of objection made in open court by the
5 minor, his or her parent, guardian, or legal custodian, the
6 minor's attorney or the State's Attorney.

7 (2) If the minor, his or her parent, guardian, or legal
8 custodian, the minor's attorney or State's Attorney objects
9 in open court to any continuance and insists upon proceeding
10 to findings and adjudication, the court shall so proceed.

11 (3) Nothing in this Section limits the power of the
12 court to order a continuance of the hearing for the
13 production of additional evidence or for any other proper
14 reason.

15 (4) When a hearing where a minor is alleged to be a
16 delinquent is continued pursuant to this Section, the period
17 of continuance under supervision may not exceed 24 months.
18 The court may terminate a continuance under supervision at
19 any time if warranted by the conduct of the minor and the
20 ends of justice.

21 (5) When a hearing where a minor is alleged to be
22 delinquent is continued pursuant to this Section, the court
23 may, as conditions of the continuance under supervision,
24 require the minor to do any of the following:

25 (a) not violate any criminal statute of any
26 jurisdiction;

27 (b) make a report to and appear in person before
28 any person or agency as directed by the court;

29 (c) work or pursue a course of study or vocational
30 training;

31 (d) undergo medical or psychotherapeutic treatment
32 rendered by a therapist licensed under the provisions of
33 the Medical Practice Act of 1987, the Clinical
34 Psychologist Licensing Act, or the Clinical Social Work

1 and Social Work Practice Act, or an entity licensed by
2 the Department of Human Services as a successor to the
3 Department of Alcoholism and Substance Abuse, for the
4 provision of drug addiction and alcoholism treatment;

5 (e) attend or reside in a facility established for
6 the instruction or residence of persons on probation;

7 (f) support his or her dependents, if any;

8 (g) pay costs;

9 (h) refrain from possessing a firearm or other
10 dangerous weapon, or an automobile;

11 (i) permit the probation officer to visit him or
12 her at his or her home or elsewhere;

13 (j) reside with his or her parents or in a foster
14 home;

15 (k) attend school;

16 (l) attend a non-residential program for youth;

17 (m) contribute to his or her own support at home or
18 in a foster home;

19 (n) perform some reasonable public or community
20 service;

21 (o) make restitution to the victim, in the same
22 manner and under the same conditions as provided in
23 subsection (4) of Section 5-710, except that the
24 "sentencing hearing" referred to in that Section shall be
25 the adjudicatory hearing for purposes of this Section;

26 (p) comply with curfew requirements as designated
27 by the court;

28 (q) refrain from entering into a designated
29 geographic area except upon terms as the court finds
30 appropriate. The terms may include consideration of the
31 purpose of the entry, the time of day, other persons
32 accompanying the minor, and advance approval by a
33 probation officer;

34 (r) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular
2 types of persons, including but not limited to members of
3 street gangs and drug users or dealers;

4 (r-5) undergo a medical or other procedure to have
5 a tattoo symbolizing allegiance to a street gang removed
6 from his or her body;

7 (s) refrain from having in his or her body the
8 presence of any illicit drug prohibited by the Cannabis
9 Control Act or the Illinois Controlled Substances Act,
10 unless prescribed by a physician, and submit samples of
11 his or her blood or urine or both for tests to determine
12 the presence of any illicit drug; or

13 (t) comply with any other conditions as may be
14 ordered by the court.

15 (6) A minor whose case is continued under supervision
16 under subsection (5) shall be given a certificate setting
17 forth the conditions imposed by the court. Those conditions
18 may be reduced, enlarged, or modified by the court on motion
19 of the probation officer or on its own motion, or that of the
20 State's Attorney, or, at the request of the minor after
21 notice and hearing.

22 (7) If a petition is filed charging a violation of a
23 condition of the continuance under supervision, the court
24 shall conduct a hearing. If the court finds that a condition
25 of supervision has not been fulfilled, the court may proceed
26 to findings and adjudication and disposition. The filing of
27 a petition for violation of a condition of the continuance
28 under supervision shall toll the period of continuance under
29 supervision until the final determination of the charge, and
30 the term of the continuance under supervision shall not run
31 until the hearing and disposition of the petition for
32 violation; provided where the petition alleges conduct that
33 does not constitute a criminal offense, the hearing must be
34 held within 30 days of the filing of the petition unless a

1 delay shall continue the tolling of the period of continuance
2 under supervision for the period of the delay.

3 (8) When a hearing in which a minor is alleged to be a
4 delinquent for reasons that include a violation of Section
5 21-1.3 of the Criminal Code of 1961 is continued under this
6 Section, the court shall, as a condition of the continuance
7 under supervision, require the minor to perform community
8 service for not less than 30 and not more than 120 hours, if
9 community service is available in the jurisdiction. The
10 community service shall include, but need not be limited to,
11 the cleanup and repair of the damage that was caused by the
12 alleged violation or similar damage to property located in
13 the municipality or county in which the alleged violation
14 occurred. The condition may be in addition to any other
15 condition.

16 (8.5) When a hearing in which a minor is alleged to be a
17 delinquent for reasons that include a violation of Section
18 3.02 or Section 3.03 of the Humane Care for Animals Act or
19 paragraph (d) of subsection (1) of Section 21-1 of the
20 Criminal Code of 1961 is continued under this Section, the
21 court shall, as a condition of the continuance under
22 supervision, require the minor to undergo medical or
23 psychiatric treatment rendered by a psychiatrist or
24 psychological treatment rendered by a clinical psychologist.
25 The condition may be in addition to any other condition.

26 (9) When a hearing in which a minor is alleged to be a
27 delinquent is continued under this Section, the court, before
28 continuing the case, shall make a finding whether the offense
29 alleged to have been committed either: (i) was related to or
30 in furtherance of the activities of an organized gang or was
31 motivated by the minor's membership in or allegiance to an
32 organized gang, or (ii) is a violation of paragraph (13) of
33 subsection (a) of Section 12-2 of the Criminal Code of 1961,
34 a violation of any Section of Article 24 of the Criminal Code

1 of 1961, or a violation of any statute that involved the
2 unlawful use of a firearm. If the court determines the
3 question in the affirmative the court shall, as a condition
4 of the continuance under supervision and as part of or in
5 addition to any other condition of the supervision, require
6 the minor to perform community service for not less than 30
7 hours, provided that community service is available in the
8 jurisdiction and is funded and approved by the county board
9 of the county where the offense was committed. The community
10 service shall include, but need not be limited to, the
11 cleanup and repair of any damage caused by an alleged
12 violation of Section 21-1.3 of the Criminal Code of 1961 and
13 similar damage to property located in the municipality or
14 county in which the alleged violation occurred. When
15 possible and reasonable, the community service shall be
16 performed in the minor's neighborhood. For the purposes of
17 this Section, "organized gang" has the meaning ascribed to it
18 in Section 10 of the Illinois Streetgang Terrorism Omnibus
19 Prevention Act.

20 (10) The court shall impose upon a minor placed on
21 supervision, as a condition of the supervision, a fee of \$25
22 for each month of supervision ordered by the court, unless
23 after determining the inability of the minor placed on
24 supervision to pay the fee, the court assesses a lesser
25 amount. The court may not impose the fee on a minor who is
26 made a ward of the State under this Act while the minor is in
27 placement. The fee shall be imposed only upon a minor who is
28 actively supervised by the probation and court services
29 department. A court may order the parent, guardian, or legal
30 custodian of the minor to pay some or all of the fee on the
31 minor's behalf.

32 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;
33 91-332, eff. 7-29-99; revised 10-7-99.)

1 (705 ILCS 405/5-710)

2 Sec. 5-710. Kinds of sentencing orders.

3 (1) The following kinds of sentencing orders may be made
4 in respect of wards of the court:

5 (a) Except as provided in Sections 5-805, 5-810,
6 5-815, a minor who is found guilty under Section 5-620
7 may be:

8 (i) put on probation or conditional discharge
9 and released to his or her parents, guardian or
10 legal custodian, provided, however, that any such
11 minor who is not committed to the Department of
12 Corrections, Juvenile Division under this subsection
13 and who is found to be a delinquent for an offense
14 which is first degree murder, a Class X felony, or a
15 forcible felony shall be placed on probation;

16 (ii) placed in accordance with Section 5-740,
17 with or without also being put on probation or
18 conditional discharge;

19 (iii) required to undergo a substance abuse
20 assessment conducted by a licensed provider and
21 participate in the indicated clinical level of care;

22 (iv) placed in the guardianship of the
23 Department of Children and Family Services, but only
24 if the delinquent minor is under 13 years of age;

25 (v) placed in detention for a period not to
26 exceed 30 days, either as the exclusive order of
27 disposition or, where appropriate, in conjunction
28 with any other order of disposition issued under
29 this paragraph, provided that any such detention
30 shall be in a juvenile detention home and the minor
31 so detained shall be 10 years of age or older.
32 However, the 30-day limitation may be extended by
33 further order of the court for a minor under age 13
34 committed to the Department of Children and Family

1 Services if the court finds that the minor is a
2 danger to himself or others. The minor shall be
3 given credit on the sentencing order of detention
4 for time spent in detention under Sections 5-501,
5 5-601, 5-710, or 5-720 of this Article as a result
6 of the offense for which the sentencing order was
7 imposed. The court may grant credit on a sentencing
8 order of detention entered under a violation of
9 probation or violation of conditional discharge
10 under Section 5-720 of this Article for time spent
11 in detention before the filing of the petition
12 alleging the violation. A minor shall not be
13 deprived of credit for time spent in detention
14 before the filing of a violation of probation or
15 conditional discharge alleging the same or related
16 act or acts;

17 (vi) ordered partially or completely
18 emancipated in accordance with the provisions of the
19 Emancipation of Mature Minors Act;

20 (vii) subject to having his or her driver's
21 license or driving privileges suspended for such
22 time as determined by the court but only until he or
23 she attains 18 years of age;

24 (viii) put on probation or conditional
25 discharge and placed in detention under Section
26 3-6039 of the Counties Code for a period not to
27 exceed the period of incarceration permitted by law
28 for adults found guilty of the same offense or
29 offenses for which the minor was adjudicated
30 delinquent, and in any event no longer than upon
31 attainment of age 21; this subdivision (viii)
32 notwithstanding any contrary provision of the law;
33 or

34 (ix) ordered to undergo a medical or other

1 procedure to have a tattoo symbolizing allegiance to
2 a street gang removed from his or her body.

3 (b) A minor found to be guilty may be committed to
4 the Department of Corrections, Juvenile Division, under
5 Section 5-750 if the minor is 13 years of age or older,
6 provided that the commitment to the Department of
7 Corrections, Juvenile Division, shall be made only if a
8 term of incarceration is permitted by law for adults
9 found guilty of the offense for which the minor was
10 adjudicated delinquent. The time during which a minor is
11 in custody before being released upon the request of a
12 parent, guardian or legal custodian shall be considered
13 as time spent in detention.

14 (c) When a minor is found to be guilty for an
15 offense which is a violation of the Illinois Controlled
16 Substances Act or the Cannabis Control Act and made a
17 ward of the court, the court may enter a disposition
18 order requiring the minor to undergo assessment,
19 counseling or treatment in a substance abuse program
20 approved by the Department of Human Services.

21 (2) Any sentencing order other than commitment to the
22 Department of Corrections, Juvenile Division, may provide for
23 protective supervision under Section 5-725 and may include an
24 order of protection under Section 5-730.

25 (3) Unless the sentencing order expressly so provides,
26 it does not operate to close proceedings on the pending
27 petition, but is subject to modification until final closing
28 and discharge of the proceedings under Section 5-750.

29 (4) In addition to any other sentence, the court may
30 order any minor found to be delinquent to make restitution,
31 in monetary or non-monetary form, under the terms and
32 conditions of Section 5-5-6 of the Unified Code of
33 Corrections, except that the "presentencing hearing" referred
34 to in that Section shall be the sentencing hearing for

1 purposes of this Section. The parent, guardian or legal
2 custodian of the minor may be ordered by the court to pay
3 some or all of the restitution on the minor's behalf,
4 pursuant to the Parental Responsibility Law. The State's
5 Attorney is authorized to act on behalf of any victim in
6 seeking restitution in proceedings under this Section, up to
7 the maximum amount allowed in Section 5 of the Parental
8 Responsibility Law.

9 (5) Any sentencing order where the minor is committed or
10 placed in accordance with Section 5-740 shall provide for the
11 parents or guardian of the estate of the minor to pay to the
12 legal custodian or guardian of the person of the minor such
13 sums as are determined by the custodian or guardian of the
14 person of the minor as necessary for the minor's needs. The
15 payments may not exceed the maximum amounts provided for by
16 Section 9.1 of the Children and Family Services Act.

17 (6) Whenever the sentencing order requires the minor to
18 attend school or participate in a program of training, the
19 truant officer or designated school official shall regularly
20 report to the court if the minor is a chronic or habitual
21 truant under Section 26-2a of the School Code.

22 (7) In no event shall a guilty minor be committed to the
23 Department of Corrections, Juvenile Division for a period of
24 time in excess of that period for which an adult could be
25 committed for the same act.

26 (8) A minor found to be guilty for reasons that include
27 a violation of Section 21-1.3 of the Criminal Code of 1961
28 shall be ordered to perform community service for not less
29 than 30 and not more than 120 hours, if community service is
30 available in the jurisdiction. The community service shall
31 include, but need not be limited to, the cleanup and repair
32 of the damage that was caused by the violation or similar
33 damage to property located in the municipality or county in
34 which the violation occurred. The order may be in addition

1 to any other order authorized by this Section.

2 (8.5) A minor found to be guilty for reasons that
3 include a violation of Section 3.02 or Section 3.03 of the
4 Humane Care for Animals Act or paragraph (d) of subsection
5 (1) of Section 21-1 of the Criminal Code of 1961 shall be
6 ordered to undergo medical or psychiatric treatment rendered
7 by a psychiatrist or psychological treatment rendered by a
8 clinical psychologist. The order may be in addition to any
9 other order authorized by this Section.

10 (9) In addition to any other sentencing order, the court
11 shall order any minor found to be guilty for an act which
12 would constitute, predatory criminal sexual assault of a
13 child, aggravated criminal sexual assault, criminal sexual
14 assault, aggravated criminal sexual abuse, or criminal sexual
15 abuse if committed by an adult to undergo medical testing to
16 determine whether the defendant has any sexually
17 transmissible disease including a test for infection with
18 human immunodeficiency virus (HIV) or any other identified
19 causative agency of acquired immunodeficiency syndrome
20 (AIDS). Any medical test shall be performed only by
21 appropriately licensed medical practitioners and may include
22 an analysis of any bodily fluids as well as an examination of
23 the minor's person. Except as otherwise provided by law, the
24 results of the test shall be kept strictly confidential by
25 all medical personnel involved in the testing and must be
26 personally delivered in a sealed envelope to the judge of the
27 court in which the sentencing order was entered for the
28 judge's inspection in camera. Acting in accordance with the
29 best interests of the victim and the public, the judge shall
30 have the discretion to determine to whom the results of the
31 testing may be revealed. The court shall notify the minor of
32 the results of the test for infection with the human
33 immunodeficiency virus (HIV). The court shall also notify
34 the victim if requested by the victim, and if the victim is

1 under the age of 15 and if requested by the victim's parents
2 or legal guardian, the court shall notify the victim's
3 parents or the legal guardian, of the results of the test for
4 infection with the human immunodeficiency virus (HIV). The
5 court shall provide information on the availability of HIV
6 testing and counseling at the Department of Public Health
7 facilities to all parties to whom the results of the testing
8 are revealed. The court shall order that the cost of any
9 test shall be paid by the county and may be taxed as costs
10 against the minor.

11 (10) When a court finds a minor to be guilty the court
12 shall, before entering a sentencing order under this Section,
13 make a finding whether the offense committed either: (a) was
14 related to or in furtherance of the criminal activities of an
15 organized gang or was motivated by the minor's membership in
16 or allegiance to an organized gang, or (b) involved a
17 violation of subsection (a) of Section 12-7.1 of the Criminal
18 Code of 1961, a violation of any Section of Article 24 of the
19 Criminal Code of 1961, or a violation of any statute that
20 involved the wrongful use of a firearm. If the court
21 determines the question in the affirmative, and the court
22 does not commit the minor to the Department of Corrections,
23 Juvenile Division, the court shall order the minor to perform
24 community service for not less than 30 hours nor more than
25 120 hours, provided that community service is available in
26 the jurisdiction and is funded and approved by the county
27 board of the county where the offense was committed. The
28 community service shall include, but need not be limited to,
29 the cleanup and repair of any damage caused by a violation of
30 Section 21-1.3 of the Criminal Code of 1961 and similar
31 damage to property located in the municipality or county in
32 which the violation occurred. When possible and reasonable,
33 the community service shall be performed in the minor's
34 neighborhood. This order shall be in addition to any other

1 order authorized by this Section except for an order to place
2 the minor in the custody of the Department of Corrections,
3 Juvenile Division. For the purposes of this Section,
4 "organized gang" has the meaning ascribed to it in Section 10
5 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
6 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

7 (705 ILCS 405/5-715)
8 Sec. 5-715. Probation.

9 (1) The period of probation or conditional discharge
10 shall not exceed 5 years or until the minor has attained the
11 age of 21 years, whichever is less, except as provided in
12 this Section for a minor who is found to be guilty for an
13 offense which is first degree murder, a Class X felony or a
14 forcible felony. The juvenile court may terminate probation
15 or conditional discharge and discharge the minor at any time
16 if warranted by the conduct of the minor and the ends of
17 justice; provided, however, that the period of probation for
18 a minor who is found to be guilty for an offense which is
19 first degree murder, a Class X felony, or a forcible felony
20 shall be at least 5 years.

21 (2) The court may as a condition of probation or of
22 conditional discharge require that the minor:

23 (a) not violate any criminal statute of any
24 jurisdiction;

25 (b) make a report to and appear in person before
26 any person or agency as directed by the court;

27 (c) work or pursue a course of study or vocational
28 training;

29 (d) undergo medical or psychiatric treatment,
30 rendered by a psychiatrist or psychological treatment
31 rendered by a clinical psychologist or social work
32 services rendered by a clinical social worker, or
33 treatment for drug addiction or alcoholism;

1 (e) attend or reside in a facility established for
2 the instruction or residence of persons on probation;

3 (f) support his or her dependents, if any;

4 (g) refrain from possessing a firearm or other
5 dangerous weapon, or an automobile;

6 (h) permit the probation officer to visit him or
7 her at his or her home or elsewhere;

8 (i) reside with his or her parents or in a foster
9 home;

10 (j) attend school;

11 (k) attend a non-residential program for youth;

12 (l) make restitution under the terms of subsection
13 (4) of Section 5-710;

14 (m) contribute to his or her own support at home or
15 in a foster home;

16 (n) perform some reasonable public or community
17 service;

18 (o) participate with community corrections programs
19 including unified delinquency intervention services
20 administered by the Department of Human Services subject
21 to Section 5 of the Children and Family Services Act;

22 (p) pay costs;

23 (q) serve a term of home confinement. In addition
24 to any other applicable condition of probation or
25 conditional discharge, the conditions of home confinement
26 shall be that the minor:

27 (i) remain within the interior premises of the
28 place designated for his or her confinement during
29 the hours designated by the court;

30 (ii) admit any person or agent designated by
31 the court into the minor's place of confinement at
32 any time for purposes of verifying the minor's
33 compliance with the conditions of his or her
34 confinement; and

1 (iii) use an approved electronic monitoring
2 device if ordered by the court subject to Article 8A
3 of Chapter V of the Unified Code of Corrections;

4 (r) refrain from entering into a designated
5 geographic area except upon terms as the court finds
6 appropriate. The terms may include consideration of the
7 purpose of the entry, the time of day, other persons
8 accompanying the minor, and advance approval by a
9 probation officer, if the minor has been placed on
10 probation, or advance approval by the court, if the minor
11 has been placed on conditional discharge;

12 (s) refrain from having any contact, directly or
13 indirectly, with certain specified persons or particular
14 types of persons, including but not limited to members of
15 street gangs and drug users or dealers;

16 (s-5) undergo a medical or other procedure to have
17 a tattoo symbolizing allegiance to a street gang removed
18 from his or her body;

19 (t) refrain from having in his or her body the
20 presence of any illicit drug prohibited by the Cannabis
21 Control Act or the Illinois Controlled Substances Act,
22 unless prescribed by a physician, and shall submit
23 samples of his or her blood or urine or both for tests to
24 determine the presence of any illicit drug; or

25 (u) comply with other conditions as may be ordered
26 by the court.

27 (3) The court may as a condition of probation or of
28 conditional discharge require that a minor found guilty on
29 any alcohol, cannabis, or controlled substance violation,
30 refrain from acquiring a driver's license during the period
31 of probation or conditional discharge. If the minor is in
32 possession of a permit or license, the court may require that
33 the minor refrain from driving or operating any motor vehicle
34 during the period of probation or conditional discharge,

1 except as may be necessary in the course of the minor's
2 lawful employment.

3 (3.5) The court shall, as a condition of probation or of
4 conditional discharge, require that a minor found to be
5 guilty and placed on probation for reasons that include a
6 violation of Section 3.02 or Section 3.03 of the Humane Care
7 for Animals Act or paragraph (d) of subsection (1) of Section
8 21-1 of the Criminal Code of 1961 undergo medical or
9 psychiatric treatment rendered by a psychiatrist or
10 psychological treatment rendered by a clinical psychologist.
11 The condition may be in addition to any other condition.

12 (4) A minor on probation or conditional discharge shall
13 be given a certificate setting forth the conditions upon
14 which he or she is being released.

15 (5) The court shall impose upon a minor placed on
16 probation or conditional discharge, as a condition of the
17 probation or conditional discharge, a fee of \$25 for each
18 month of probation or conditional discharge supervision
19 ordered by the court, unless after determining the inability
20 of the minor placed on probation or conditional discharge to
21 pay the fee, the court assesses a lesser amount. The court
22 may not impose the fee on a minor who is made a ward of the
23 State under this Act while the minor is in placement. The
24 fee shall be imposed only upon a minor who is actively
25 supervised by the probation and court services department.
26 The court may order the parent, guardian, or legal custodian
27 of the minor to pay some or all of the fee on the minor's
28 behalf.

29 (6) The General Assembly finds that in order to protect
30 the public, the juvenile justice system must compel
31 compliance with the conditions of probation by responding to
32 violations with swift, certain, and fair punishments and
33 intermediate sanctions. The Chief Judge of each circuit
34 shall adopt a system of structured, intermediate sanctions

1 for violations of the terms and conditions of a sentence of
2 supervision, probation or conditional discharge, under this
3 Act.

4 The court shall provide as a condition of a disposition
5 of probation, conditional discharge, or supervision, that the
6 probation agency may invoke any sanction from the list of
7 intermediate sanctions adopted by the chief judge of the
8 circuit court for violations of the terms and conditions of
9 the sentence of probation, conditional discharge, or
10 supervision, subject to the provisions of Section 5-720 of
11 this Act.

12 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

13 Section 20. The Criminal Code of 1961 is amended by
14 changing Section 21-1 as follows:

15 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

16 Sec. 21-1. Criminal damage to property.

17 (1) A person commits an illegal act when he:

18 (a) knowingly damages any property of another
19 without his consent; or

20 (b) recklessly by means of fire or explosive
21 damages property of another; or

22 (c) knowingly starts a fire on the land of another
23 without his consent; or

24 (d) knowingly injures a domestic animal of another
25 without his consent; or

26 (e) knowingly deposits on the land or in the
27 building of another, without his consent, any stink bomb
28 or any offensive smelling compound and thereby intends to
29 interfere with the use by another of the land or
30 building; or

31 (f) damages any property, other than as described
32 in subsection (b) of Section 20-1, with intent to defraud

1 an insurer; or

2 (g) knowingly shoots a firearm at any portion of a
3 railroad train.

4 When the charge of criminal damage to property exceeding
5 a specified value is brought, the extent of the damage is an
6 element of the offense to be resolved by the trier of fact as
7 either exceeding or not exceeding the specified value.

8 (2) The acts described in items (a), (b), (c), (e), and
9 through (f) are Class A misdemeanors if the damage to
10 property does not exceed \$300. The acts described in items
11 (a), (b), (c), (e), and through (f) are Class 4 felonies if
12 the damage to property does not exceed \$300 if the damage
13 occurs to property of a school or place of worship. The act
14 described in item (d) is a Class 4 felony if the damage to
15 property does not exceed \$10,000. The act described in item
16 (g) is a Class 4 felony. The acts described in items (a),
17 (b), (c), (e), and through (f) are Class 4 felonies if the
18 damage to property exceeds \$300 but does not exceed \$10,000.
19 The acts described in items (a) through (f) are Class 3
20 felonies if the damage to property exceeds \$300 but does not
21 exceed \$10,000 if the damage occurs to property of a school
22 or place of worship. The acts described in items (a) through
23 (f) are Class 3 felonies if the damage to property exceeds
24 \$10,000 but does not exceed \$100,000. The acts described in
25 items (a) through (f) are Class 2 felonies if the damage to
26 property exceeds \$10,000 but does not exceed \$100,000 if the
27 damage occurs to property of a school or place of worship.
28 The acts described in items (a) through (f) are Class 2
29 felonies if the damage to property exceeds \$100,000. The
30 acts described in items (a) through (f) are Class 1 felonies
31 if the damage to property exceeds \$100,000 and the damage
32 occurs to property of a school or place of worship. If the
33 damage to property exceeds \$10,000, the court shall impose
34 upon the offender a fine equal to the value of the damages to

1 the property.

2 (3) In addition to any other sentence that may be
3 imposed, a court shall order any person convicted of criminal
4 damage to property to perform community service for not less
5 than 30 and not more than 120 hours, if community service is
6 available in the jurisdiction and is funded and approved by
7 the county board of the county where the offense was
8 committed. In addition, whenever any person is placed on
9 supervision for an alleged offense under this Section, the
10 supervision shall be conditioned upon the performance of the
11 community service.

12 This subsection does not apply when the court imposes a
13 sentence of incarceration.

14 (Source: P.A. 91-360, eff. 7-29-99.)

15 Section 25. The State Finance Act is amended by adding
16 Section 5.545 as follows:

17 (30 ILCS 105/5.545 new)

18 Sec. 5.545. The Illinois Animal Abuse Fund.

19 Section 30. Severability. The provisions of this Act
20 are severable under Section 1.31 of the Statute on Statutes.

21 Section 99. Effective date. This Act takes effect on
22 January 1, 2002."